

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**FIRST AMENDED CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer SDH Education West, LLC (SODEXO)		b. Tel. No.
		c. Cell No.
		f. Fax. No.
d. Address (Street, city, state, and ZIP code) 1000 Holt Ave Winter Park, FL 32789	e. Employer Representative (b) (6), (b) (7)(C)	g. e-mail (b) (6), (b) (7)(C)@sodexo.com
		h. Number of workers employed 75
i. Type of Establishment (factory, mine, wholesaler, etc.) Educational Institution Dining	j. Identify principal product or service Food Service	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

Within the last six months, the above-named employer, by and through its section 2(11) supervisors and 2(13) agents, has interfered with, restrained, and coerced employees in the exercise of their Section 7 rights by, among other things, organizing an anti-union rally and providing anti-union paraphernalia in conjunction therewith, thus polling workers as to their sentiments towards the union; threatening to call the police against union organizers; threatening employees with unspecified reprisals for wearing union insignia during working time, and threatening employees with unspecified reprisals for discussing the union during working time.

Within the last six months, the above-named employer has reduced the number of hours that it schedules employees, including (b) (6), (b) (7)(C), in response to their support for the union.

By these and related acts, the employer has violated Section 8(a)(1) and 8(a)(3) of the National Labor Relations Act as charged.

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

UNITE HERE Local 362

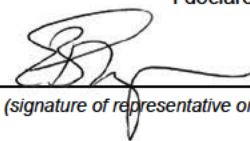
4a. Address (Street and number, city, state, and ZIP code)  1255 LaQuinta Drive, Suite 212 Orlando, FL 32809	4b. Tel. No. (407) 851-0626
	4c. Cell No.
	4d. Fax No. (407) 851-6607
	4e. e-mail

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**

UNITE HERE International Union

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.



(signature of representative or person making charge)

Eric B. Myers, Attorney

(Print/type name and title or office, if any)

McCracken, Stermerman & Holsberry, LLP  
Address 475 14th Street, Suite 1200, Oakland, CA 94612

Date 06/22/23

Tel. No.  
415-597-7200

Office, if any, Cell No.

Fax No.  
415-597-7201e-mail  
ebm@msh.law**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 12  
201 E Kennedy Blvd Ste 530  
Tampa, FL 33602-5824

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (813)228-2641  
Fax: (813)228-2874



Download  
NLRB  
Mobile App

June 23, 2023

Eric B. Myers, Attorney at Law  
McCracken, Stemerman & Holsberry, LLP  
475 14th Street, Suite 1200  
Oakland, CA 94612-1929

Re: SDH Education West, LLC (SODEXO)  
Case 12-CA-319131

Dear Mr. Myers:

We have docketed the first amended charge that you filed in this case.

**Investigator:** This charge is being investigated by Field Attorney Caroline Leonard whose telephone number is (813)228-2662. If the agent is not available, you may contact Regional Attorney CHRISTOPHER ZERBY whose telephone number is (813)228-2693.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlrb.gov](http://www.nlrb.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to

comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "David Cohen". The signature is fluid and cursive, with the first name "David" and last name "Cohen" clearly distinguishable.

David Cohen  
Regional Director

cc: UNITE HERE Local 362  
1255 LaQuinta Drive  
Suite 212  
Orlando, FL 32809



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 12  
201 E Kennedy Blvd Ste 530  
Tampa, FL 33602-5824

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (813)228-2641  
Fax: (813)228-2874



Download  
NLRB  
Mobile App

June 23, 2023

(b) (6), (b) (7)(C)  
SDH Education West, LLC (SODEXO)  
1000 Holt Ave  
Winter Park, FL 32789

Re: SDH Education West, LLC (SODEXO)  
Case 12-CA-319131

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of the first amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Attorney Caroline Leonard whose telephone number is (813)228-2662. If the agent is not available, you may contact Regional Attorney Christopher Zerby whose telephone number is (813)228-2693.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a

written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "David Cohen". The signature is fluid and cursive, with the first name "David" and last name "Cohen" clearly distinguishable.

David Cohen  
Regional Director

Enclosure: Copy of first amended charge

cc: Aaron J. Schindel, Assistant General  
Counsel  
Sodexo, Inc. & Affiliated Companies  
9801 Washingtonian Boulevard, Suite  
1258  
Gaithersburg, MD 20878